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*toto* this spirit of brutalism and vengeance, is solemnly condemned out of his own mouth.

In his address the previous day President McKinley had said, in regard to our commercial relations with foreign countries: "The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good-will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times; measures of retaliation are not."

This is the enunciation of a distinctly pacific policy, squarely opposed to all commercial war, and in essence contradictory of much of our proceeding in the past. It will save the nation from an incalculable amount of friction in its foreign relations, and at the same time promote the steady prosperity of the masses of the people, if this advice is taken, and we quit speaking of other countries and acting towards them in the spirit of commercial haughtiness, which has too much characterized us in the past, and which is just now awakening against us alarm and ill-will in more than one quarter. The adoption of this friendly give-and-take policy, and the abandonment of our former exclusiveness, would be a much more worthy memorial to the lamented President than a bronze or stone monument in every city of the land. The period of exclusiveness in any sense ought to have passed. A world-power, so-called, thrusting itself boastfully into the affairs of all parts of the globe, may be essentially much more exclusive than a nation which minds its own business and trades and associates, in a spirit of good-will and friendship, with all. Let the lauders of William McKinley take seriously to heart this utterance of his.

A still more important passage of the Buffalo speech was this: "God and man have linked the nations together. No nation can any longer be indifferent to any other. And as we are brought more and more in touch with each other, the less occasion is there for misunderstanding and the stronger the disposition, when we have differences, to adjust them in the Court of Arbitration, which is the noblest form for the settlement of international disputes. Let us ever remember that our real interest is in concord, not conflict, and that our real eminence rests in the victories of peace, not those of war."

These words need little comment, but they need to be much heeded. They reveal, as we have always believed, that President McKinley, in spite of the false courses which he took in subservience to self-seeking and irrational pressure, was at heart essentially a man of peace. He tried for a long time, we believe conscientiously, to prevent the Spanish war, which he always considered unnecessary. He supported with all the strength of his position the Hague Peace Conference. He offered his good

offices to try to bring to an end the fratricidal South African war; it has come out since his death that he did this a second time in a more earnest way than at first. He looked forward with great hopes to the Pan-American Congress now meeting, and did everything in his power to prepare for its success. The words that we have quoted show clearly that, though some of his actions and speeches under the baneful pressure of circumstances seemed to indicate an opposite spirit, he yet conceived truly the real mission of our Republic among the powers of the earth, and likewise the relations of friendship and mutual service which ought to exist among all the nations.

If the nation, which has fallen in reverence at his feet, only lays to heart these final utterances, we shall have a genuine and general revival of godliness, of tenderness and humaneness of feeling, of Christian respect and consideration for other peoples, and we shall prepare for concord and the victories of peace, and not waste our energies and tens of millions of our resources in preparing the instruments of conflict and of war.

### The International Law Conference at Glasgow.

We had no space in our last issue to call attention to the work of the Conference of the International Law Association, which met at Glasgow in the Municipal Building the third week in August. The Association, organized in 1873, has grown to be a very strong and influential organization. It has nearly four hundred members, among whom are many of the foremost jurists of Europe and America. The meeting just held was the Twentieth Conference of the Association. It was presided over by Lord Alverstone, the Chief Justice of England, after being welcomed to the city by Lord Provost Chisholm.

We have not yet seen the full report of the proceedings, but only that of the discussion on arbitration, printed in advance. This was one of unusual interest and importance. It turned upon the reservation made, in Article 19 of the Hague Convention, by the signatory powers, of the "right to conclude, either before the ratification of the present Convention, or subsequently to that date, new agreements, general or special, with a view of extending the obligation to submit controversies to arbitration to all cases which they consider suitable for such submission."

Lord Alverstone in his opening address spoke briefly of the remarkable progress of arbitration within the last few years. At the time of the Brussels Conference of the Association in 1895, he had not been very sanguine about the early constitution of a permanent court. It was a warning to him, he said, "how one ought to hesitate to discourage ideas, however advanced they may seem, and however impossible of realization to one's own mind." Alluding to

the unratified Anglo-American arbitration treaty of 1897, with the drafting of which he had had a good deal to do, he declared that the charges made at the time that Lord Salisbury had reluctantly accepted the treaty were entirely unjust. "No man," he asserted, "ever worked more heartily in the cause of international arbitration than Lord Salisbury did in the promotion of that treaty."

In regard to the subject of an Anglo-French treaty, which was on the program, he spoke in strong terms: "If France and Great Britain could only see their way to a general treaty of arbitration, — two nations that are not bound by the same ties as the ties between the United States and Great Britain, — if the time is opportune for such a treaty, there could not be a more striking example to the world." "It is a matter of great congratulation . . . that things should have so advanced that it is possible to discuss, in a serious way and with the hope of some result in the near future, the question of a treaty of arbitration between two countries between which, while they have been for many years in close alliance, still from time to time questions do arise which might lead to trouble if they were not settled in an amicable way."

On the subject of general treaties of obligatory arbitration between Great Britain and France and Great Britain and the United States, around which the discussion centered, three very able papers were read. J. G. Alexander, Esq., secretary of the Association, presented one entitled, "General Arbitration Treaties under Article 19 of the Hague Peace Convention." He reviewed the efforts made in four instances to establish treaties of arbitration between particular states, namely, between Switzerland and the United States in 1883, between all the American republics in 1890, between the United States and Great Britain in 1896-7, and between Italy and the Argentine Republic in 1897. He considered the time hardly opportune for immediate renewal of effort for an Anglo-American treaty, because of the wars going on and the Nicaragua canal question. As to the nature of such a treaty when negotiated, he favored a court composed of English and American judges rather than the use of the Hague Court.

Mr. Thomas Barclay, president of the British Chamber of Commerce, through whose influence the subject was on the program, argued, in his paper, that a treaty of arbitration between Great Britain and France — neighboring nations, with various rivalries — was particularly desirable. Both nations were exceptionally sensitive on points of national prestige and dignity. Notwithstanding the gigantic upheaval of national foundations which war would involve, Europe — every European state — was living on the brink of war. A mere trifle might set all the destructive forces in motion in a moment. As to the particular nature of treaties between Great Britain and France and Great Britain and the United States,

he took essentially the position of Mr. Alexander. There was no prospect, he thought, of any of the powers signatory to the Hague Convention binding themselves to submit all their differences to the arbitration of other states, or of the subjects of other states. A special court, therefore, like that provided for in the abortive Anglo-American treaty, was preferable.

Dr. W. E. Darby, in a paper of great merit, took issue with both Mr. Alexander and Mr. Barclay, as to the nature of any general treaty that might be drawn up between the proposed states. Such treaties as those urged by Mr. Alexander and Mr. Barclay would tend directly to discredit the Hague Court, and in this way to damage the whole arbitration cause. The nations who had set up this Court were bound by their own solemn agreement to use it in case they decided to refer their controversies to arbitration. To set up a general Anglo-French or Anglo-American tribunal, to which differences between these powers should be referred, would take all their controversies away from the Hague Court, throw the weight of these countries against it, and thus inevitably destroy it. These nations might, under Article 21 of the Convention, set up a special tribunal for a particular case, but not a general one.

If we understand Dr. Darby's argument, it certainly has great practical force. The makers of the Hague Convention certainly did not mean, by Article 19, to leave the way open for the powers entering into it to create other general tribunals among themselves to take the place of the Court which they had with such pains provided for. They only meant that the provision in the Convention for voluntary reference only should not prevent any of the powers from entering into an agreement to make the reference obligatory, in particular cases or for all cases. In Article 21 they pledge themselves to use the Court in all cases, "unless there shall be an agreement between the parties for the establishment of a *special tribunal*," that is, a tribunal in particular cases as they may arise.

Even under this article it would be possible, of course, for two powers to avoid entirely the use of the Hague Court. But this course would be extremely unwise. If the nations do not mean to use the Hague Court at all, but to stultify themselves by undoing directly or indirectly the excellent work which they have done in its establishment, then of course general treaties providing for other permanent tribunals between any two of them would be much better than nothing. But, as Dr. Darby argues, this would be retrogression of a very bad kind. People would have a right to feel that arbitration was merely treading round in a circle, and not getting forward at all.

What the friends of arbitration everywhere ought to do, is to insist that the powers signatory to the Hague Convention shall from this time on use the Hague Court. General treaties between any two of them, which are greatly to be desired, ought to pledge

reference to this Court, and not to a new one. For this reason we have felt strongly that any general treaty of arbitration drawn up by the Pan-American Conference, now in session in Mexico City, ought to provide for reference to the Hague Court, and thus compel the opening of its doors to all the non-signatory powers. The United States and Mexico, the two most influential American states, are parties to the Hague Convention. If they should join with the seventeen other American states in creating a purely American court, the influence on the Hague Court of this move would be necessarily deleterious. Cases between the United States and Mexico, if any should arise, would be taken away from the Hague tribunal, and thus its position and standing distinctly lowered.

We are glad that the subject came before the International Law Conference. It is a matter that has yet received but little attention. It ought to be carefully studied by all those interested in the further development of arbitration. A mistake as to the steps next to be taken, now that the Hague Court has been set up, whether that mistake is made intentionally or unconsciously, will result in serious damage for perhaps many years to come.

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### Editorial Notes.

#### Pan-American Congress.

The Pan-American Congress was formally opened in the City of Mexico on Tuesday, the 22d of October, in the National Palace, by Hon. Ignacio Mariscal, Mexican Minister of Foreign Affairs. Señor Raigosa, chairman of the Mexican delegation, was chosen acting-president of the Congress. Minister Carbo of Ecuador offered a resolution deploring the death of President McKinley, after the adoption of which the session adjourned out of respect to the memory of our late President. President Diaz afterwards held a reception for the delegates, and in the evening invited them to the Palace. The families of the delegates were also invited to a reception at the Palace by Mrs. Diaz. In opening the Congress Señor Mariscal referred to the first International American Conference and the Conference at The Hague, and said that though seemingly little had been accomplished the results were really of the greatest importance. Every step taken along the road of progress was a conquest, which could not be lost. What had been conscientiously accomplished at The Hague, the sentiment of friendship and sympathy shown by the United States for the other American states, and the feelings of affection which prevailed among the Spanish American delegates, were sure to lead to practical results. He was sure that the delegates, in entering upon their labors, would do their best to avoid a spirit of dissension, whether it might tend to

arise from concrete cases or the traditions and instincts of the different countries. The true Pan-American sentiment did not admit of geographical distinctions or recognize differences in race, language or love of country. Their identification with this spirit was one of their most sacred duties. They should not fail each to recognize the rights of others. In treating of matters of such transcendent importance they ought to forget temporarily that they belonged to this, that or the other section of the continent. They should be neither North, Central nor South Americans, but Americans in the broadest sense. That which was small should be sacrificed to that which was great, in order that the best interests of all parties might be conserved. Their gathering was not for contentions, but for conciliation and friendly coöperation. This they knew, and he uttered it to let them know that the Mexican government understood their mission and the spirit in which their work should be accomplished. If the labors of the Congress shall be performed in harmony with the lofty spirit and principles thus set forth by Señor Mariscal, we may expect very large and lasting results from its meeting.

#### Philippine Situation.

Senator Hoar has declined to deliver a formal eulogy on President McKinley at Worcester, Mass. He gives as his chief reason the fact of his radical disagreement with the late President on "the principal political measure of his administration," his policy with the Philippine Islands. He could not review McKinley's career without narrating this "one of the greatest transactions of his life," and at the same time expressing disapproval of it. This, he thinks, would grate harshly on the public mind. The senator takes advantage of the invitation to deliver the eulogy, to declare that his opinion on the subject has been strengthened and not weakened by lapse of time. This, it is needless to say, is the case with all those who strenuously opposed the Philippine policy of the government as wrong, unwise and impolitic. The bad fruits of the course taken are, if possible, more evident now than ever before. The recent outbreaks in the island of Samar, which have cost the lives of nearly a hundred American troops, have made it perfectly clear that no real pacification has taken place. Violence never pacifies. There is a deep-seated hatred of America among all the natives, except a few, most of whom have been given offices; and these, it seems, have only a mercenary liking of us. The Filipinos in their hearts desire independence as much to-day as they did in the beginning, and it is just as much our duty now as it ever was to respect their national feelings. The continuance of the wrong done them means further ill-will, surprises and massacres. It means also, as the present